

<b>VARIANCE STAFF REPORT</b>	<b>City-County Planning Commission</b> 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953
<b><u>Docket Number:</u></b> 2011-V-06  <b><u>Public Hearing Date:</u></b> April 14, 2011  <b><u>Pre-Application Meeting Date:</u></b> March 15, 2011	<b><u>Property Owner(s):</u></b> Richard & Rhonda Glenn 3179 Lexington Drive Bowling Green, KY 42104
<b><u>Location of Proposed Variance:</u></b> 3179 Lexington Drive  <b><u>Acreage or Square Footage of Tract:</u></b> .593 Acres (25,831 square feet)  <b><u>PVA Parcel Number:</u></b> 041C-22-359	<b><u>Site District:</u></b> Urban Density Development District  <b><u>Focal Point:</u></b> 108-2 Hunting Creek  <b><u>Characteristics:</u></b> Residential. Large lot single family residential, un-sewered.  <b><u>Flood Plain:</u></b> The property is <b>not</b> located in the 100 year flood area according to FEMA map #21227C0303 E.
<b><u>Traffic Considerations:</u></b> The property has frontage on Lexington Drive, a City maintained urban local roadway with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.	<b><u>Existing Land Use:</u></b> Residential  <b><u>Zoning History:</u></b> <b>R-1</b> (Single Family Residential) is the original zoning for this property. The property was converted to <b>R-E</b> (Residential Estate) in 2001 by way of a text amendment.

## DESCRIPTION OF REQUEST

The applicants are requesting a change of ten percent (10%) from the twenty-five percent (25%) maximum lot coverage permitted in the **R-E** (Residential Estate) zone classification; bringing the maximum allowed lot coverage to 35%. The applicants propose to install a pool on the property and are requesting a variance to bring the property into compliance (See attached map).

## ZONING ORDINANCE REFERENCE

### Article 4.4.6

#### VARIANCE REQUEST REFERENCE

The provision of the Zoning Ordinance from which this variance is requested is referenced in Article 4.4.6

#### Accessory Structures

**4.4.6.B** Property zoned **R-E** (Residential Estate) has a maximum lot coverage of twenty-five percent (25%).

## VARIANCE FINDINGS

### **KRS 100.243 - Findings necessary for granting a variance:**

- (1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
  - (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  - (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

## MOTIONS

### MOTION TO **APPROVE** THE **VARIANCE** REQUEST:

I make the motion to **approve** the request for a variance at 3179 Lexington Drive, Docket number 2011-V-06; a change of ten percent (10%) from the twenty-five percent (25%) maximum lot coverage permitted for property zoned **R-E** (Residential Estate); bringing the maximum allowed lot coverage to 35%.

The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

### OR

### MOTION TO **DENY VARIANCE**:

I make the motion to **deny** the request for a variance at 3179 Lexington Drive, Docket number 2011-V-06; a change of ten percent (10%) from the twenty-five percent (25%) maximum lot coverage permitted for property zoned **R-E** (Residential Estate); bringing the maximum allowed lot coverage to 35%.

Sufficient testimony has **not** been presented in this public hearing that the requested variance meet the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as:

### *(Choose one or more appropriate finding(s) and specific items)*

- **will** adversely affect the public health, safety or welfare.
  - **will** alter the essential character of the general vicinity.
  - **will** cause a hazard or a nuisance to the public
  - **will** allow an unreasonable circumvention of the requirements of the zoning regulations.
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- The proposed development plan does **not** show that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - The proposed development plan does **not** show that the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - The circumstances are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.